

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 8, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

07od-011

Oahu

Grant of Term, Non-Exclusive Easement to Richard H. and Corintha B. Pohle for Boat Ramp Purposes, Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-4-21:23 seaward.

APPLICANT:

Richard H. and Corintha B. Pohle, as tenants by the entirety, whose mailing address is 44007 Aina Moi Place, Kaneohe, Hawaii 96744.

LEGAL REFERENCE:

Section 171-13 and -53(b), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government land located seaward of Kaneohe, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-4-21:23, as shown on the attached map labeled Exhibit A.

AREA:

275 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES ____ NO X

CURRENT USE STATUS:

Unencumbered with encroachments.

CHARACTER OF USE:

Right, privilege and authority to use, maintain, repair, replace and remove existing boat
ramp, over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair
market rent, subject to review and approval by the Chairperson.

EASEMENT TERM:

Fifty-five (55) years.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

With respect to the Conservation District Use Application presented to the Land Board at
its March 9, 2007 by Office of Conservation and Coastal Lands (OCCL), staff wrote
"Given that there are already over 200 piers and boat ramps currently lining the Bay,
OCCL found that the boat ramp resulted in minor alteration in the conditions of the land
and water. This project was therefore exempt from conducting an Environmental
Assessment pursuant to HAR §11-200-8 Exempt Classes of Action, 3: Construction and
location of single, new, small facilities or structures."

DCCA VERIFICATION:

The applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment; and
- 2) Provide survey map and description according to State DAGS standards and at Applicant's own cost.

REMARKS:

The applicants received their Conservation District Use Permit (OA-3397) Board approval for a boat ramp on March 9, 2007, agenda item K-3. One of the CDUP conditions requires the applicants to obtain a land disposition for the use of State land.

According to the Conservation District Use Application, the applicants applied for an after-the-fact permit for a boat ramp built fifteen to twenty years ago by their tenant without their knowledge on accreted land abutting their property.

The Department of Hawaiian Home Lands (DHHL), Office of Hawaiian Affairs (OHA) and the Department of Planning and Permitting (DPP) were requested to comment. DHHL returned the memorandum indicating they had "no comments". DPP provided written comments that were previously submitted to OCCL during the Conservation District Use Application process but weren't included in that report because they were submitted too late. DPP wants the applicants to be aware that a boat ramp mauka of the certified shoreline will require a shoreline setback variance and a variance requires the preparation of an environmental assessment.

The applicants have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

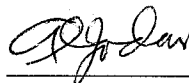
RECOMMENDATION: That the Board:

1. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (1) 4-4-021:023, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
2. Subject to the applicant fulfilling all of the applicant requirements listed above, authorize the issuance of a term, non-exclusive easement to Richard H. and Corintha B. Pohle, covering the subject area for boat ramp purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current term shoreline

encroachment easement document form, as may be amended from time to time;

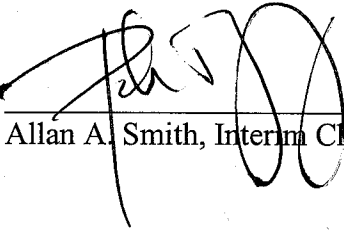
- B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (1) 4-4-021:023, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
- C. Review and approval by the Department of the Attorney General;
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;
- E. Any shoreline hardening policy that may be adopted by the Board prior to execution of the grant of easement; and
- F. Applicant shall comply with all the conditions stated in CDUP OA-3397, as approved by the Board on March 9, 2007, agenda item K-3.

Respectfully Submitted,



Al Jodar
Land agent

APPROVED FOR SUBMITTAL:



Allan A. Smith, Interim Chairperson

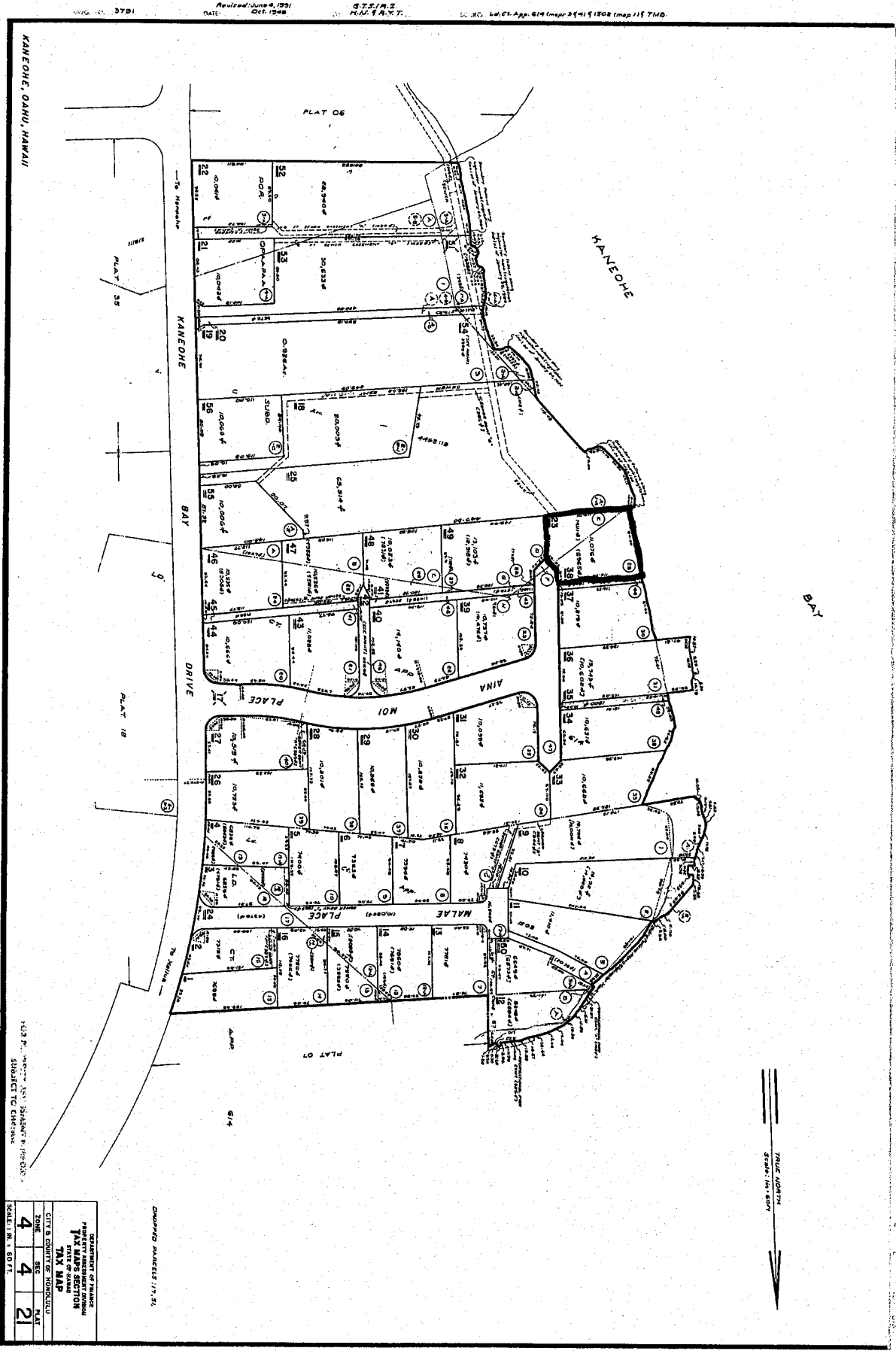


EXHIBIT "A"